

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

JEFF JANCA,
Charging Party

HRB CASE NO. 0141016941

-v-

FINAL AGENCY DECISION

13TH JUDICIAL DISTRICT COURT
SERVICES,
Respondent

Charging Party, Jeff Janca (Janca), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Janca's allegations that Respondent, 13th Judicial District Court Services, discriminated against Janca. The Department issued a Notice of Dismissal. Janca filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 20, 2015. Jeff Janca appeared and argued on his own behalf. James Scheier appeared and argued on behalf of 13th Judicial District Court Services.

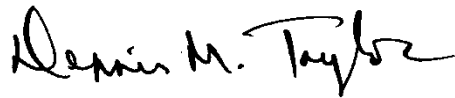
The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Jeff Janca's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against 13th Judicial District Court Services.

DATED this 24th day of March, 2015.

A handwritten signature in black ink, reading "Dennis M. Taylor". The signature is fluid and cursive, with the first name "Dennis" and last name "Taylor" clearly legible. The signature is positioned above a horizontal line.

Dennis M. Taylor, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 24th day of March, 2015.

JEFF JANCA
1964 WYNDHAM PARK DRIVE
BILLINGS, MT 59102

JAMES M. SCHEIER
ASSISTANT ATTORNEY GENERAL
DEPARTMENT OF JUSTICE
AGENCY LEGAL SERVICES
P.O. BOX 201440
HELENA, MT 59620-1440

A handwritten signature in cursive script that reads "Annah Smith".

Annah Smith, Legal Secretary
Montana Human Rights Bureau